

REMARKS**STATUS OF THE CLAIMS**

In accordance with the foregoing, claims 1, 5, 12, 17 and 18 have been amended. Claims 1 and 3-18 are pending and under consideration.

No new matter is being presented, and approval of the amended claims is respectfully requested.

REQUEST FOR WITHDRAWAL OF FINAL REJECTION

On pages 2-8 of the Action, claims 1, 3, 7-13, 15, 17 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over previously-cited Lee et al. (U.S. Patent No. 6,754,818) in view of newly-cited QvalueList Class Reference.

However, QvalueList Class Reference is newly cited as disclosing returning a true/false binary value. The feature was previously recited in dependent claim 2 (now cancelled), which was incorporated into the independent claims in the previous Amendment. Merely incorporating dependent claim 2 into the independent claims could not necessitate the Examiner's new grounds of rejection for this feature and, therefore, the finality of the rejection is improper. Thus, it is respectfully requested that the finality of the outstanding Office Action be withdrawn, in view of the new grounds of rejection based on a newly-cited reference.

REJECTIONS OF CLAIMS 1, 3, 7-13, 15, 17 AND 18 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER LEE ET AL. (U.S. PATENT NO. 6,754,818) IN VIEW OF QVALUELIST CLASS PREFERENCE

The rejections of claims 1, 3, 7-13, 15, 17 and 18 are respectfully traversed and reconsideration is requested.

Amended independent claim 1, for example, further clarifies that embodiments of the present invention are capable of storing environment data for setting a boot from the plurality of devices, in which the environment data includes first variable data including device setting data designating a boot candidate for the plurality of devices, second variable data including index data setting the booting order of boot candidates set by the device setting data, and third variable data in which whether said multiplexing is valid or not is set, a boot control unit which decides on a boot device based on the setting of the first variable data, the second variable data and the third variable data included in the environment data and starting up the operating system

stored in the boot device, and a control unit which controls multiplexing of the plurality of devices.

Additionally, the control unit sets "valid" in said third variable data when a boot device of a first boot candidate is accessed according to said booting order included in said device setting data, changes the setting of said index data included in said second variable data when an abnormality is detected in said boot device, and clears said variable data to an initial value when booting is successful, and said boot control unit switches said accessed boot device to another boot device according to said changed index data and controls a boot of the other boot device. (Support can be found at paragraph [0062] of the present specification).

Assuming, as an example, that the system is multiplexed with a boot device of a master system and a boot device of a slave system, when the apparatus fails to boot the boot device of the master system, the boot device of the slave system is always booted in the next boot. Additionally, when the boot device of the master system is booted successfully, the boot device of the master system is booted in the next boot.

Accordingly, embodiments of the present invention, as recited in amended independent claim 1, in which a system is multiplexed with a plurality of boot devices in which an operating system is stored in each of the boot devices respectively, since a boot firm ware of the boot control unit cooperates with the operating system read out from a boot device selected from the multiplexed boot devices, for example, when an abnormality is detected in the boot device, another boot device selected from the multiplexed boot devices is booted by the boot control unit during the next boot.

On the other hand, Lee et al. (hereinafter "Lee") discusses a computer system with a plurality of boot devices which store a boot image, a processor connected to a memory and a controller controlling the plurality of boot devices and booting one of the plurality of boot devices. (See Lee Fig. 1 and column 3, lines 10-57).

The Examiner states that the "storing unit" and "boot control unit" as recited in independent claim 1, for example, correspond respectively to "nonvolatile memory 110" and "processor 106 and controller 108" of Lee (see blocks 210-260 of Fig 2 of Lee). Furthermore, the Examiner states that "first variable data", "second variable data" and "third variable data", included in the environment data, correspond respectively to the "list of boot devices (114) shown in Fig. 1" and the "boot image select software task (BISST 118) shown in Fig 1" stored in the nonvolatile memory 110, described in Lee.

However, Lee states that "the computer system can boot from a number of boot devices through 102-N (e.g., a floppy disk, a hard disk drive, a CD-ROM and the like"). (See Lee column 3, lines 12-14). According to this description of Lee, the boot devices to be booted do not have an operating system.

Although the computer system of Lee is multiplexed by the plurality of boot devices, operating systems for starting up the system are not multiplexed. Furthermore, the computer system is not started up using the operating system installed in a boot device selected from the multiplexed boot devices.

On the other hand, according to Lee, the selection of the image to boot from can be simply rotated amongst all available boot images in a round robin fashion, or it may be a random choice amongst the available boot images, as described in column 4, lines 5-9. That is, the boot device to be booted during the next boot after powering on or resetting of the system is selected from the multiplexed boot devices based on a round robin or random selection.

Accordingly, since boot devices booted at every boot time are different, the controller of the computer system cannot distinguish the boot device booted each time a booting takes place. As a result, the controller cannot identify which boot devices are booted.

Further, in the computer system of Lee, the boot device to be booted next time is selected from the multiplexed devices *regardless whether an abnormality is detected or not in the accessed boot device.*

Therefore, it is respectfully submitted that independent claim 1, as amended, patentably distinguishes over Lee. Further, independent claims 17 and 18, as amended, recite similar features to independent claim 1 and, thus, it is further submitted that claims 17 and 18 patentably distinguish over Lee for at least the reasons provided herein. The pending dependent claims inherit the patentability of their respective dependent claim and, thus, are patentable for at least the reasons provided herein.

It is further noted that QvalueList Class Reference (hereinafter "QvalueList") is merely cited as disclosing returning a true/false binary value. Thus, it is further submitted that QvalueList fails to cure the deficiencies of Lee described above.

REJECTIONS OF CLAIMS 4-6 AND 16 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER LEE IN VIEW OF QVALUELIST AND FURTHER IN VIEW OF WU ET AL. (U.S. PATENT NO. 6,105,130)

Claims 4-6 and 16 depend from independent claim 1, which patentably distinguishes over the Lee for the reasons set forth herein. Therefore, it is respectfully submitted that dependent claims 4-6 and 16 patentably distinguish over the prior art for the reasons provided above.

It is further submitted that QvalueList and Wu et al. fail to cure the deficiencies of Lee described above.

REJECTIONS OF CLAIM 14 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER LEE IN VIEW OF QVALUELIST AND FURTHER IN VIEW OF AAPA

Claim 14 depends from independent claim 1, which patentably distinguishes over the Lee for the reasons set forth herein. Therefore, it is respectfully submitted that dependent claim 14 patentably distinguishes over the prior art for the reasons provided above.

It is further submitted that QvalueList and AAPA fail to cure the deficiencies of Lee described above.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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